

Remarks

Discussion Of Telephone Interviews

Applicants express appreciation for the courtesies extended by Examiner Borin to Applicants' representative Arnold Turk during telephone calls on January 9, 16, 25 and 28, 2008. During these telephone calls, the Examiner indicated that the appeal is being withdrawn for purposes of permitting Applicants to file an amendment to replace the composition claims under appeal with method claims which were proposed by the Examiner, including the subject matter of non-elected claim 21 and modifications to the claims regarding Markush language. Moreover, the Examiner requested the filing of a Terminal Disclaimer to disclaim U.S. Patent No. 6,852,699 which includes method claims.

Applicants' representative agreed to cancel the composition claims while preserving Applicants' right to submit the composition claims in one or more divisional and/or continuation applications, and preserving Applicants' right to submit arguments for patentability of the composition claims. Applicants' representative also indicated that a Terminal Disclaimer will be submitted as requested by the Examiner.

Submission of Claims and Terminal Disclaimer

By the present amendment, Applicants are submitting herewith claims as discussed with the Examiner during the above-noted interviews to place the application into condition for allowance.

Moreover, Applicants are submitting herewith a Terminal Disclaimer as requested by the Examiner. The submission of this Terminal Disclaimer is being made without expressing any agreement that a Terminal Disclaimer is necessary and/or whether any obviousness-type double patenting rejection would be appropriate in the absence of submission of this Terminal

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Disclaimer. Applicants are merely filing this Terminal Disclaimer to expedite allowance of the application.

Should the Examiner have any questions or comments regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Uwe SCHOENROCK et al.

A handwritten signature in black ink, appearing to read 'Arnold Turk', is written over a horizontal line.

Arnold Turk
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